



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 417-02  
22 January 2003



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 January 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 1780 Pers 604 of 28 March 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1780  
PERS-604  
28 Mar 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 20 Mar 02  
(b) Veterans Benefits and Health Care Improvement Act of  
2000 (Public Law 106-419)  
(c) DFAS CLEVELAND OH 241700Z Apr 01 (Military Pay  
Advisory 45/01)  
(d) CNO WASHINGTON DC 0221139Z May 01 (NAVADMIN 103/01)

1. The following is provided in response to reference (a):

a. Per reference (b), effective 1 May 2001, certain members whose original federal education benefit program is the Montgomery GI Bill (MGIB) Program can make an additional contribution of up to \$600 and receive an increased monthly benefit. These members must have initially entered active duty on or after 1 July 1985 and enrolled in the MGIB Program within two weeks of entry. Members who enrolled in the MGIB Program by reason of involuntary separation, conversion from Veterans Educational Assistance Program, conversion from Vietnam Era GI Bill Program, or enrollment during the open period from 1 December 1988 through 30 June 1989 are not eligible for this option.

b. Reference (b) included a transitional provision for individuals discharged between the date of enactment, 1 November 2000, and the effective date, 1 May 2001, to enroll and make their contribution by 31 July 2001. Only members included in this provision could enroll and make payment through the Department of Veterans Affairs (DVA). This did not apply to members on active duty after 1 May 2001. If active duty members attempt to apply through DVA, their checks are returned and they are instructed to contact the Education Service Office at the nearest Navy installation for enrollment.

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[REDACTED]

c. Members on active duty after 1 May 2001 electing this option must sign a DD Form 2366 which contains a specific statement regarding the increased benefit option and can make their contribution only while serving on active duty.

d. References (c) and (d) provided information on 25 April 2001 and 2 May 2001 respectively regarding the new legislation affecting participants in the MGIB Program. They included guidance on eligibility and procedures for enrollment and payment. Reference (d) included a toll free telephone number and email address for questions regarding this option. Additionally, websites of DVA and PERS-604 included information regarding the increased benefit option. Information was published well before [REDACTED] left active duty on 8 July 2001. Unfortunately when he was searching for information on the increased benefit option while he was still on active duty, [REDACTED] didn't contact a Personnel Support Detachment, Defense Finance and Accounting Service or PERS-604 for assistance.

e. We can neither confirm nor deny M [REDACTED] allegation of misinformation by someone at the Department of Veterans Affairs. It is understandable whenever there is a new program, a certain degree of misinformation may be conveyed, not only by DVA, but Navy personnel as well.

f. There is nothing in [REDACTED] record to correct regarding the increased benefit option. He did not complete a DD Form 2366 electing to participate in the increased benefit option or make his contribution prior to leaving active duty on 8 July 2001. By law, [REDACTED] cannot receive the increased MGIB Program benefit. There are many veterans like [REDACTED] who separated soon after 1 May 2001 and didn't have much time to make their election and payment; however, the deadlines are imposed by Congress and cannot be waived by Navy.

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-4260 or (C) 901-874-4260.

[REDACTED]  
Head, (Federal Education Programs  
Branch (PERS-604)